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JUN 05 2007

OFFICE OF PETITIONS

In re Application of :
Hideki Tsuchida et al :
Application No. 10/010,193 : **DECISION GRANTING**
Filed: December 5, 2001 : **PETITION**
Attorney Docket No. 51334 :

This is a decision on the petition filed July 23, 2002, requesting that the above-identified application be accorded a filing date of December 5, 2001, rather than the presently accorded date of December 6, 2001. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on December 5, 2001, pursuant to 37 CFR 1.10. Petitioner is alleging that the accorded date of mailing of December 6, 2001, is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is December 5, 2001. Petitioner have supplied a copy of the Express Mail Log that came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the U.S.P.S., to verify the deposit date of December 5, 2001 for Express Mail label number ET755554034US. The same Express Mail label number also appears on the original application transmittal letter of record in the file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on December 5, 2001, as shown by the copy of the Express Mail Log submitted with the instant petition. Accordingly, this application is entitled to a filing date of December 5, 2001, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to December 5, 2001, and for issuance of a corrected filing receipt**. Afterwards, the application will be forwarded to Technology Center AU 1773.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.



Karen Creasy
Petitions Examiner
Office of Petitions